

**Town of Bethany Beach
Planning Commission Minutes
August 08, 2011**

The Bethany Beach Planning Commission held a meeting on Monday, August 08, 2011 at 10:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; John Gaughan; Chuck Peterson; Fulton Loppatto; Faith Denault; and Mike Boswell.

Also present: Susan Frederick, Building Inspector; Lindsey Good, Administrative Secretary; and interested members of the public.

The meeting was called to order at 10:00 a.m.

OPENING OF MEETING

Approval of Agenda

Mr. Peterson made a motion to approve the agenda. Mr. Gaughan seconded the motion and it was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of July 16, 2011

Ms. Denault made a motion to approve the minutes dated July 16, 2011. Seconded by Mr. Peterson, the motion was unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer/Denault)

There was no meeting so there was no report.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

There were no comments at this time.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments for the Planning Commissioners members at this time.

NEW BUSINESS

Sketch Plan Review of a Proposed Planned Residential Development (PRD) for a Property Located at 857 Garfield Parkway, Bethany Beach DE and is Referenced as the Lands of Jo Carroll Onoffrey (All)

The applicant and her developer consultant were not in attendance at this time, so discussion of this agenda item was postponed until the next regularly scheduled Planning Commission meeting on September 17, 2011.

Consider Adding Additional Definitions to Section 425-2. (Definitions and Word Usage) to the Bethany Beach Zoning Code (Killmer)

The draft of the suggested definitions to be added to Section 425-2 of the Code is as follows:

BALCONY, EXTERIOR – An exterior floor system or platform enclosed by a wall or balustrade on the outside of a building, with access from an upper-floor window or door.

DECK, ROOF – Exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports and accessible from an upper-floor window, door or stair system. Raised Decks are not considered to be roofs.

EAVES – The edges or lower borders of the roof of a building and excluding the edges from roof decks, which overhang the walls and whose primary purpose is to cast off water that falls on the roof.

Ms. Frederick explained that the reason these definitions are being suggested to be added to Section 425-2 of the Code is because there was recently a Board of Adjustment case that created zoning issues. The applicant was in the process of constructing additions to his home and part of the plans included new decks over conditioned space. The applicant was permitted via the Board's approval of the applicant's appeal, to construct the decks with overhangs into the setback, as is permitted for roof eaves. Additionally, the overhangs, considered the same as roof eaves, were also not included in the lot coverage calculation. The code currently has no "Deck, Roof" definition and does not differentiate it from a roof. There are differences in the Zoning Code that rule what is permitted for a roof and what is permitted for a deck. The Zoning Code currently states that the eave of a roof can overhang by more than twenty-four (24) inches into a setback. The Zoning Code did not intend to permit decks to overhang or be excluded from lot coverage calculations and the recommended definitions are intended to differentiate what the purpose is of "Deck, Roof" is compared to the roof of a structure.

Mr. Killmer added that in this particular case the structure already exceeded the permitted maximum lot coverage and the applicant was requesting to further increase the size of the structure. He emphasized that issues such as this can be corrected with the added definitions so that the legislative intent of the Town Council is no longer ambiguous.

Mr. Peterson made a motion to approve adding the additional definitions to Section 425-2 (Definitions and Word Usage) to the Bethany Beach Zoning Code. Ms. Denault seconded the motion.

Mr. Killmer asked the Planning Commissioners if there were any comments or questions regarding the motion.

Mr. Boswell suggested the following amendments to the drafted definitions (changes are in red):

*BALCONY, EXTERIOR – An exterior floor system or platform enclosed by a wall or balustrade on the outside of a **building structure**, with access from an upper-floor window or door.*

*DECK, ROOF – **An** exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports and accessible from an upper-floor window, door or stair system. Raised Decks are not considered to be roofs.*

*EAVES – The edges or lower borders of the roof of a **building structure** and excluding the edges from roof decks, which overhang the walls and whose primary purpose is to cast off water that falls on the roof.*

Mr. Peterson made a motion to approve the additional definitions as amended to Section 425-2 (Definitions and Word Usage) to the Bethany Beach Zoning Code. Ms. Denault seconded the motion and it was unanimously approved.

SUMMARY OF ACTION ITEMS

- A. Mr. Killmer has been working with Mr. Bob Bradley on developing language on an ordinance on permeable surfaces.
- B. Ms. Frederick will send Ms. Jo Carroll Onoffrey's developer her memo that the Planning Commissioners received regarding the Sketch Plan Review for the proposed Planned Residential Development.

ADJOURN

Ms. Denault made a motion to adjourn the meeting. Mr. Gaughan seconded the motion and it was unanimously approved.

The meeting was adjourned at 10:38 a.m.

The next meeting is scheduled for Saturday, September 17th, 2011.

Respectfully Submitted:

Lindsey Good
Admin. Secretary

